

EXHIBIT C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JODI ROUVIERE and
ANDRE ROUVIERE,

Plaintiffs,

v.

DEPUY ORTHOPAEDICS, INC. n/k/a
MEDICAL DEVICE BUSINESS
SERVICES, INC. and HOWMEDICA
OSTEONICS CORPORATION
d/b/a STRYKER ORTHOPAEDICS,

Defendants.

Case No. 1:18-cv-04814-LJL-SDA

DECLARATION OF JOSEPH G. EATON

I, Joseph G. Eaton, under penalties of perjury declare as follows:

1. I am an attorney licensed to practice in the State of Indiana. I am a Partner with the law firm Barnes & Thornburg LLP.
2. I have represented DePuy Orthopaedics, Inc., now known as Medical Device Business Services, Inc., (“DePuy”) since 2010 in connection with litigation throughout the country, including *IN RE: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation*, 3:11-md-02244-K (the “Pinnacle MDL”).
3. On May 24, 2011, the Judicial Panel on Multidistrict Litigation established the Pinnacle MDL to consolidate litigation concerning the Pinnacle Acetabular Cup System hip implants in the Northern District of Texas before Judge Ed Kinkeade (the “MDL Court”).
4. There have been five bellwether trials in the Pinnacle MDL: *Herlihy-Paoli*,¹ *Peterson*,² *Andrews*,³ *Alicea*,⁴ and *Aoki*.⁵ All bellwether cases are resolved.
5. The last bellwether trial to reach a verdict concluded in November 2017. The final bellwether trial began in January 2019 and was resolved before verdict.

¹ *Herlihy-Paoli v. DePuy Orthopaedics, Inc. et al*, 3:12-cv-04975-K (N.D. Tex. Oct. 23, 2014).

² *Peterson et al v. Johnson & Johnson Services, Inc. et al*, 3:11-cv-01941-K (N.D. Tex. July 5, 2016).

³ *Andrews et al v. DePuy Orthopaedics Inc et al*, 3:15-cv-03484-K (N.D. Tex. Dec. 1, 2016).

⁴ *Alicea et al v. DePuy Orthopaedics Inc et al*, 3:15-cv-03489-K (N.D. Tex. Nov. 16, 2017).

⁵ *Aoki v. Johnson & Johnson Services, Inc. et al*, 3:13-cv-01071-K (N.D. Tex. Jan. 30, 2019).

6. There will be no more bellwether trials in the Pinnacle MDL.
7. All cases in the Pinnacle MDL are stayed and all parties are confidentially working to resolve the remaining claims.
8. *Rowe et al v. Johnson & Johnson, Inc. et al*, 3:12-cv-4354-K, was initially selected in 2014 to be a bellwether and the parties began to work the case up for trial.
9. DePuy and counsel for the Pinnacle Plaintiffs began to conduct discovery to prepare the *Rowe* case for trial, and DePuy disclosed the Disqualified Expert in connection with that case on June 16, 2014.
10. The Disqualified Expert was deposed in the *Rowe* case on August 28, 2014.
11. However, after the first bellwether trial, the MDL Court ordered that the parties work up *other* cases for bellwether trials and stayed *Rowe* and the other cases originally selected as bellwethers.
12. This is what makes *Rowe* unique – there are only a small number of cases that were prepared for trial but never tried.
13. Ever since it was de-selected as a potential bellwether case in 2014, *Rowe* has remained stayed and in the same status as all other non-bellwether trial cases.
14. DePuy disclosed the Disqualified Expert in five cases in the Pinnacle MDL: *Rowe*, *Paoli*, *Lay*,⁶ *Jones*,⁷ and *Mello*.⁸
15. *Paoli* was the first bellwether trial, which resulted in a defense verdict and has been terminated on the docket.
16. *Lay* and *Jones* have both been resolved and dismissed.
17. *Rowe* and *Mello* have both been resolved, but not formally dismissed on the docket.
18. The last time DePuy disclosed the Disqualified Expert in the Pinnacle MDL was on October 21, 2014.
19. He was deposed in connection with the *Paoli*, *Lay*, and *Rowe* in 2014 and all three of those depositions were listed on his list of prior testimony disclosed by Plaintiffs.
20. The Disqualified Expert's final invoice to DePuy for work performed in the Pinnacle MDL Litigation is dated July 9, 2015.

⁶ *Lay et al v. DePuy Orthopaedics, Inc. et al*, 3:11-cv-03590-K (N.D. Texas)(not a bellwether, dismissed by stipulation on June 15, 2020)

⁷ *Jones et al v. DePuy Orthopaedics, Inc. et al*, 3:11-cv-3594-K (N.D. Texas)(not a bellwether, dismissed by stipulation on March 19, 2020)

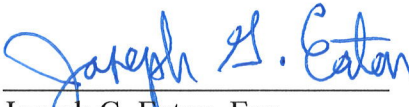
⁸ *Mello et al v. DePuy Orthopaedics, Inc. et al*, 3:12-cv-0641-K (N.D. Texas)(like *Rowe*, resolved, but not yet dismissed)

21. The Disqualified Expert has had no role in connection with DePuy's defense of the Pinnacle MDL including the *Rowe* case since that time.

22. There is no active and ongoing litigation in which DePuy has engaged the Disqualified Expert.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 14, 2020.



Joseph G. Eaton, Esq.